

These rejections are respectfully traversed as explained below after a summary of *Nikander* and exemplary claimed subject matter.

Nikander

An Internet Service Provider (ISP) stands between its customers and third parties, and enables their electronic communication. *Nikander* uses the ISP's position to watch for electronic transactions conducted by a customer. If the ISP intercepts a request from a third party to one of its customers for electronic payment, the ISP pays the request with electronic money. The ISP charges the customer for the payment. The charges may appear on the customer's telephone bill, which generally also includes charges for the ISP's services.

In sum, *Nikander* allows an ISP to provide an electronic payment service to a customer, and thereby simplifies the customer's participation in an electronic transaction.

Exemplary Claimed Subject Matter

Inventive uses of a conventional billing message allow a caller to conduct a transaction using the telecommunications system. Previously, a user generally could not use the telecommunications system except for conventional services. For example, a parent could not "buy a \$50 credit" to be applied to a son's or daughter's telephone bill and to be charged as a \$50 debit to the parent's telephone bill. One of the reasons such a transaction could not be conducted is because there was no means of communication between the user and the billing system of the telecommunications system. Without a means of communication, the user could not pass on the details of the desired transaction, and the billing system could not carry out the transaction.

The problem of the lack of communication between the user and the billing system is solved by the exemplary claimed inventions inclusion of transaction information in a billing message. In exemplary embodiments, the billing message may be posted to or obtained by the billing system from the telecommunications system.

In sum, the exemplary claimed inventions use billing messages in an unconventional manner to effect a transfer of information and conduct a transaction.

Nikander Generally Compared to the Exemplary Claimed Subject Matter

Nikander and the claimed subject matter differ on a general basis in the role played by a customer engaged in an electronic transaction in the respective systems. *Nikander* makes the use of electronic money easier for the customer by not requiring the customer to “handle” the money. In *Nikander*, the customer is taken out of the payment process by the ISP’s intercept of the merchant’s payment request. In essence, the ISP provides an electronic payment service to the customer.

In contrast, the exemplary claimed subject matter allows a customer to participate fully in the electronic transaction. No third party intercepts or otherwise interferes. The customer’s participation is enabled through communication between the user and a telecommunications system connected to a billing system. Information relating to the customer’s transaction is included in a billing message that may be posted to the billing system.

Further differences between *Nikander* and the claimed subject matter are provided below with specific reference to the claims.

Nikander Fails to Teach or Suggest the Subject Matter of the Claims

Claim 1- the Preamble

The Examiner alleged *Nikander* meets all of the limitations of Claim 1. This finding is respectfully traversed. Claim 1 includes a preamble that describes the operating environment of the method. *Nikander* does not include this operating environment. Specifically, *Nikander* does not describe a telecommunications system including a switching point, a service control point, an intelligent network element, and a billing system.

For example, the Examiner alleges *Nikander*’s control unit 122 meets the claimed billing system. In Claim 1, the billing system is included in the telecommunications system. But *Nikander*’s control unit is not part of the telephone network 108. Instead, the control unit is included with the ISP (“the control unit 122 of the ISP system 105”, *Nikander*, col. 4, lines 29). Thus, *Nikander* does not disclose the environment set out in the preamble in Claim 1.

Further, Claim 1's preamble describes the billing system as including telecommunications accounts for charging fees to subscribers with respect to telecommunications services provided to the subscribers. As noted, the Examiner alleges *Nikander*'s control unit 122 meets the claimed billing system. But *Nikander*'s control unit is not a billing system, and particularly, is not a billing system that is used for charging subscribers for telecommunications services as set out in Claim 1. Rather, the control unit "sends conventional accounting signals corresponding to the payment via the SSP* 106 to the user's local telephone exchange 104, where the corresponding sum is added to the user's telephone bill." Thus, the control unit provides information to the local telephone exchange, but does not function as a billing system included in the local telephone exchange. Further, the control unit does not provide billing services for charging subscribers for telecommunications services. Thus, *Nikander* does not disclose the environment set out in the preamble in Claim 1.

Claim 1 – the Actions

Nikander does not teach nor describe all of the actions of Claim 1. Some of *Nikander*'s failings are summarized below by reference to specific actions of Claim 1.

- Causing the service switching point to route the communication to the intelligent network element.

In the claimed subject matter, a communication being used to conduct a transaction is received at a service switching point and is routed to an intelligent network element. *Nikander* does not route a communication to an intelligent network element. In *Nikander*, the intercepting means 120 of the ISP system 105 intercepts a merchant's payment request. The request is redirected to the control unit 122. *Nikander*, col. 4, lines 32-34. *Nikander*'s control unit does not meet Claim 1's intelligent network element at

* Whether element 106 in Fig. 3 is a service switching point (SSP) of a telephone network or is a Control Control Point of an ISP system is unclear. With reference to Fig. 1, element 106 is introduced in *Nikander* as follows: "A conventional ISP system 105 comprises a Call Control Point 106, which receives the calls and directs them to terminal servers 112." With reference to Fig. 2, element 106 is not described in the text, but is labeled "SSP" in the drawing. In the text, even though there is no specific reference to element 106, the Service Control Point (SCP) 110 is said to control the "SSP" (which appears to be element 106) and a database with voice output 212. *Nikander*, col. 1, lines 56-57. Fig. 3 illustrates SSP 106 as part of the ISP system 105.

least because the Examiner compared the control unit to a different element of Claim 1. The Examiner (erroneously) compared the control unit to Claim 1's billing system. If the control unit teaches Claim 1's billing system, then the control unit cannot also teach Claim 1's intelligent network element, and vice versa.

Further, *Nikander*'s control unit does not teach Claim 1's billing system nor Claim 1's intelligent network element at least because the control unit does not carry out the actions ascribed to either the billing system or the intelligent network element.

- Causing the intelligent network element to obtain a telecommunications account number and a transaction amount from the communication.

Nikander does not disclose an element that obtains a telecommunications account number and a transaction amount from a communication. *Nikander*'s ISP system 105 includes an intercepting means 120 and a control unit 122, but neither obtains the claimed information from a communication.

Nikander's intercepting means 120 "redirects the [payment] request to the control unit 122." *Nikander*, col. 4, line 27-29. *Nikander* does not make any mention of the intercepting means taking any action to obtain information. *Nikander*'s intercepting means functions simply as an interceptor and a relay of the payment request from the merchant.

Nikander's control unit "sends conventional accounting signals corresponding to the payment via the SSP 106 to the user's local telephone exchange 104." *Nikander*, col. 4, lines 33-35. In addition, the control unit "sends the electronic money to the merchant." *Nikander*, col. 4, lines 37-38. *Nikander* does not make any mention of the control unit taking any action to obtain information. *Nikander*'s control unit functions as a purveyor of accounting information to the user's local telephone exchange and as a payer of the electronic money to the merchant.

- Causing the intelligent network element to provide the telecommunications account number, the transaction amount, and the calling line number associated with the communication to the service control point.

In Claim 1, the intelligent network element provides a service control point with information associated with the communication being used for the transaction. *Nikander* does not teach nor suggest an action of providing a service control point with transaction information relating to a communication as set out in Claim 1. *Nikander* mentions that in “one advantageous embodiment of the invention, the control unit 122 comprises … the functionality of a conventional IN-compliant Service Control Point.” *Nikander*, col. 4, lines 52-56. *Nikander*’s control unit does not meet Claim 1’s service control point at least because the Examiner compared the control unit to a different element of Claim 1. The Examiner (erroneously) compared the control unit to Claim 1’s billing system. If the control unit teaches Claim 1’s billing system, then the control unit cannot teach Claim 1’s service control point, and vice versa.

Further, *Nikander*’s control unit does not teach Claim 1’s service control point because the control unit does not carry out the actions ascribed to the service control point as explained further below.

- Causing the service control point to make an assignment of the telecommunications account number, the transaction amount, and the calling line number to a billing message.

Nikander fails to make reference to a billing message as set out in Claim 1. *Nikander*’s control unit “sends conventional accounting signals corresponding to the payment via the SSP 106 to the user’s local telephone exchange 104.” *Nikander*, col. 4, lines 34-36. Conventional accounting signals do not correspond to a billing message as used in Claim 1.

As noted, *Nikander* fails to teach or describe a service control point as set out in Claim 1. Therefore, *Nikander* fails to teach or describe the action of Claim 1 wherein the service control point is caused to make an assignment of certain information to a billing message.

- Causing the billing system to conduct the transaction in the billing system with respect to the telecommunications account associated with the telecommunications account number by crediting or debiting the telecommunications account by at least the transaction amount.

As noted, *Nikander* does not include a billing system as defined in Claim 1. Thus, *Nikander* does not teach nor describe the action of a billing system conducting a transaction as set out in Claim 1.

Claim 34

Claim 34 is similar to Claim 1 in some ways, but differs principally by failing to include an intelligent network element. *Nikander* fails to teach or disclose the subject matter of Claim 34. For the sake of brevity, some of *Nikander*'s failings with respect to Claim 34 are set out in summary form below.

- *Nikander* does not teach the operating environment set out in the preamble of Claim 34.
- *Nikander* does not disclose a service switching point that obtains an account number and a transaction amount from a communication.
- *Nikander* does not teach the action of causing a service control point to make an assignment of the telecommunications account number, the transaction amount, and the calling line number to a billing message.
- *Nikander* does not disclose a billing system that conducts a transaction.

Claim 10

Claim 10 is a method for executing a transaction. *Nikander* fails to teach the subject matter of Claim 10. Some of *Nikander*'s failings are summarized below with respect to selected actions of Claim 10.

- Obtaining an account number and a transaction amount from a communication ...the account differing from a calling line number account associated with the calling line number.

In Claim 10, a communication is received and information is obtained from that communication. The obtained information includes an account number. The obtained account number is different from the account number that is associated with the calling line number.

Nikander fails to teach the referenced action for at least two reasons. First, *Nikander* does not disclose an action of obtaining information from a communication. See the relevant traversal of the rejection of Claim 1 above. Second, *Nikander* does not teach obtaining information that includes an account number that is different from an account number associated with the calling line number. In other words, *Nikander* does not describe use of a “second” account nor the use of a “second” account number.

- Creating a billing message with respect to the calling line number, the billing message including the account number, the transaction amount, and the calling line number.

Nikander does not teach use of a billing message. See the relevant traversal of the rejection of Claim 1 above. In the immediately preceding paragraph, it was noted *Nikander* fails to describe the use of an account number different from an account associated with the calling line number. Thus, *Nikander* fails to describe the action of creating a billing message including the different account number.

- Using the account number and the transaction amount from the billing message to execute the transaction with respect to the account corresponding to the account number.

As noted, *Nikander* fails to describe the use of an account number different from an account associated with the calling line number. Thus, *Nikander* fails to describe the action of using the “different” account number to execute a transaction.

Claim 18

Claim 18 is a method for conducting a transaction. *Nikander* fails to teach the subject matter of Claim 18. Some of *Nikander*’s failings are summarized below with respect to selected actions of Claim 18.

- Obtaining a billing message generated as a result of a telecommunications service performed with respect to a calling line number.

Nikander fails to teach the use of a billing message. See the relevant traversal of the rejection of Claim 1 above. Thus, *Nikander* fails to teach the referenced action.

It may be assumed, for purposes of argument only, that the “conventional accounting signals corresponding to the payment [sent by *Nikander*’s control unit] via the SSP 106 to the user’s local telephone exchange 104” (*Nikander*, col. 4, lines 33-35) constitute a billing message. Even if that assumption is made, *Nikander* still fails to teach the billing message of Claim 18. In this claim, the billing message is defined as “generated as a result of a telecommunications service performed with respect to a calling line number.” *Nikander*’s accounting signals do not fit Claim 18’s definition of a billing message.

In fact, *Nikander*’s description demonstrates that its accounting signals do not constitute a billing message, and particularly, do not constitute “a billing message generated as a result of a telecommunications service performed with respect to a calling line number.” In *Nikander*, the control unit “sends conventional accounting signals … to the user’s local telephone exchange 104, where the corresponding sum is added to the user’s telephone bill.” *Nikander*, col. 4, lines 33-35 (emphasis added). Thus, the accounting signals are not “generated as a result of a telecommunications service performed.” Rather, the accounting signals are added to a user’s telephone bill, which presumably includes charges previously generated as a result of a telecommunications service performed.

- In response to obtaining of the billing message, making a determination that the billing message includes an indication that a transaction is to be conducted with respect to a telecommunications account in the system.

Nikander fails to describe an action of determining from a billing message that a transaction is to be conducted. As noted, *Nikander* fails to teach the use of a billing message. Thus, *Nikander* fails to teach the referenced action.

It may be assumed, however, for purposes of argument only, that *Nikander*’s merchant’s request for payment is a billing message. Even if this assumption is made, *Nikander* still fails to teach Claim 18 at least because *Nikander*’s process with respect to the merchant’s request for payment does not satisfy the referenced action. In *Nikander*, the merchant’s request for payment does not include “an indication that a transaction is to

be conducted with respect to a telecommunications account in the system." The merchant's request includes a request for payment, but *Nikander* does not describe the merchant's request for payment as being "with respect to a telecommunications account in the system." The merchant's request does not include a reference to a telecommunications account, at least because, in *Nikander*, the merchant does not know the customer's telecommunications account. Thus, *Nikander* fails to teach the action of "making a determination that the billing message includes an indication" of such a transaction.

- In response to the determination, conducting the transaction with respect to the telecommunications account.

As noted, *Nikander* fails to carry out the "determination" action. Thus, *Nikander* cannot carry out an action "in response" to that determination action.

Claim 26

Claim 26 is a method for execution of a transaction in a billing system. The transaction occurs between a calling line number account and one of the other accounts to which the billing system has access. *Nikander* only describes one type of account – the user's telephone bill. At least for this distinction, *Nikander* fails to teach the subject matter of Claim 26. Some of *Nikander*'s other failings with respect to Claim 26 are set out in summary form below.

- *Nikander* does not describe the use of a billing message.
- *Nikander*'s control unit does not meet the billing system of this claim at least because the control unit does not carry out the actions ascribed to the billing system in this claim.
- *Nikander* does not describe a billing system that executes a transaction between a calling line number account and another account in response to an indication in a billing message.

Claim 35

Claim 35 is a method for executing a transaction. *Nikander* fails to teach the subject matter of Claim 35 for at least the reasons set forth in summary below:

- *Nikander* does not obtain a transaction amount from a communication.
- *Nikander* does not code a transaction amount and a calling line number into a billing message.
- *Nikander* does not “credit or debit” an account by a transaction amount.

Claim 36

Claim 36 is a system for allowing a user to initiate a transaction and have the transaction conducted. *Nikander* does not teach this system. Some of *Nikander*'s failings are summarized below.

- *Nikander* does not describe a service switching point that receives a communication from a user, and that obtains and acts on instructions relating to the communication.
- *Nikander* does not describe a service control point that provides instructions regarding the communication to the SSP, and that includes transaction information in a billing message.
- *Nikander* does not describe a billing system that recognizes transaction information in a billing message, and conducts a transaction.

The Dependent Claims

Only the independent claims in this application have been specifically distinguished from *Nikander*. The application includes dependent claims with patentable limitations. The dependent claims are allowable over *Nikander* for the respective distinct subject matter they include as well as for their respective dependencies on allowable independent claims.

CONCLUSION

The rejections of the Office Action of October 23, 2001, have been traversed by the preceding demonstration that *Nikander* fails to teach or suggest the subject matter of the claims of this application. The Examiner is invited to contact the undersigned at the Examiner's convenience. In addition, the Examiner is thanked for consideration of this application.

Respectfully submitted,



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